

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

13001-13200

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., September 28, 1948.

CONTENTS

	Page		Page
Beverages and beverage materials.....	339	Fish and shellfish.....	371
Cereals and cereal products.....	341	Fruits and vegetables.....	374
Bakery products.....	341	Canned fruit.....	374
Corn meal.....	346	Frozen fruit.....	378
Flour.....	348	Jelly, preserves, and fruit butters.....	380
Macaroni and noodle products.....	350	Miscellaneous fruit and fruit products.....	381
Miscellaneous cereal and cereal product.....	355	Vegetables and vegetable products.....	383
Chocolate and related products.....	356	Tomatoes and tomato products.....	387
Candy.....	356	Nuts and nut products.....	390
Chocolate and cocoa products.....	360	Oils and fats.....	393
Miscellaneous saccharine products.....	361	Poultry.....	396
Dairy products.....	362	Spice.....	397
Butter.....	362	Vitamin, mineral, and other products of special dietary significance.....	399
Cheese.....	366	Miscellaneous foods.....	400
Eggs and egg products.....	368	Index.....	401
Feeds and grains.....	369		

BEVERAGES AND BEVERAGE MATERIALS*

13001. Adulteration of beer. U. S. v. 320 Cases * * * (and 5 other seizure actions). (F. D. C. Nos. 21175, 21318, 21353, 21355, 21357, 21376. Sample Nos. 33222-H, 40751-H, 40783-H, 40785-H, 53456-H, 70648-H.)

LIBELS FILED: Between October 9 and 24, 1946, Eastern District of Tennessee, Eastern District of Missouri, Western District of Oklahoma, and Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of September 5 and 26, 1946, by King Cole Breweries, Inc., from Chicago Heights, Ill.

PRODUCT: Beer. 129 31-gallon barrels at Knoxville, Tenn., 320 cases at Cape Girardeau, Mo., 270 cases at Sikeston, Mo., 1,500 cases at Clinton, Okla., 1,544 cases at Long Beach Calif., and 42 cases at St. Louis, Mo. Each case contained 24 12-ounce bottles.

*See also No. 13199.

LABEL, IN PART: "Maltaza Select Beer," or "Headlite Lager Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law, since it is a substance not required in the production of the product and could have been avoided by good manufacturing practice.

DISPOSITION: Between October 22, 1946, and December 3, 1946. The Golden Glow Beverage Co., Long Beach, Calif., appeared as claimant for the Long Beach lot and admitted the allegations of the libel; the King Cole Breweries, Inc., appeared as claimant for the Knoxville, Cape Girardeau, Sikeston, and Clinton lots, and consented to the entry of decrees. Thereupon, judgments of condemnation were entered and these lots were ordered released under bond, conditioned that the liquid contents be destroyed, under the supervision of the Federal Security Agency. On December 9, 1946, no claimant having appeared for the St. Louis lot, judgment of condemnation was entered and the court ordered the beer destroyed and the containers sold to the highest bidders.

13002. Adulteration of wine. U. S. v. 177 Cases, etc. (and 4 other seizure actions). (F. D. C. Nos. 22833, 22865, 22912, 22915, 22959. Sample Nos. 38564-H, 38568-H, 69364-H, 74315-H, 74324-H, 74325-H, 91209-H.)

LIBELS FILED: Between April 9 and 25, 1947, Northern District of Illinois, Eastern District of New York, and District of Massachusetts.

ALLEGED SHIPMENT: March 14, July 9, November 9, and December 5, 1946, and February 19, 1947, by Larkmead Vineyards, from St. Helena and Larkmead Station, Calif.

PRODUCT: Wine. 177 cases of red Chianti, 239 cases of Chablis, and 200 cases of claret, each containing 12 fifth-gallon bottles, 294 cases, each containing 4 1-gallon bottles, and 293 cases of Haut Sauterne, and 858 cases of red Chianti, each containing 12 fifth-gallon bottles, at Boston, Mass.; and 95 cases of Haut Sauterne, each containing 12 fifth-gallon bottles, at Brooklyn, N. Y. Analyses showed that the article contained between 48 and 245 parts per million of monochloroacetic acid.

LABEL, IN PART: "Larkmead Pure California Haut Sauterne [or "Chablis"], "Brangno Imperial California Claret Wine," or "Pastene California Red Chianti."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law, since it is a substance not required in the production of the product and could have been avoided by good manufacturing practice.

DISPOSITION: July 31, September 12, and October 6, 1947. Default decrees of condemnation and destruction.

13003. Misbranding of beverage stabilizer. U. S. v. Arthur H. Decker (Chandler Laboratories). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 23232. Sample Nos. 56879-H, 56880-H.)

INFORMATION FILED: September 12, 1947, Eastern District of Pennsylvania, against Arthur H. Decker, trading as Chandler Laboratories, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about March 5 and April 10, 1946, from the State of Pennsylvania into the State of Rhode Island.

LABEL, IN PART: "Stabilizer #1295."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading, since the word "Stabilizer" represented to purchasers that the article was wholesome and suitable for use as a component of foods for man, whereas it contained approximately 17 grams of monochloroacetic acid per 100 cc., which is a poisonous and deleterious substance; and the labeling failed to reveal the material fact in the light of the representation made on the label, that the article contained a poisonous and deleterious substance.

DISPOSITION: March 18, 1948. A plea of nolo contendere having been entered by the defendant, a fine of \$200 was imposed.